



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

February 24, 2012

To: David Anthony Stebbins

From: Molly C. Dwyer, Clerk of Court
By: Regine Ho, Deputy Clerk

Re: Receipt of a Deficient Brief of Appellant on 02/21/2012

USCA No. 12-35082 David Stebbins v. Microsoft

The supplemental brief cannot be filed for the following reason(s):

- *Motion to file supplemental brief required: Appellant has already submitted an opening brief on 02/06/2012. Supplemental briefs may only be filed with the Court's permission. **Please submit a motion requesting leave to file a supplemental brief.***
- *IFP Motion pending: There is a pending motion that must be decided before this brief can be filed.*
- *The case is held in abeyance per the Court's 02/01/2012 order.*

The following action has been taken with respect to the brief received in this office:

- *The deficiency by the appellant is judged to be serious. We cannot file your brief. The deficiency must be corrected within 14 days or the case is subject to dismissal pursuant to 9th Cir. R. 42-1. The receipt of a seriously defective brief in this office does not toll the time for filing the brief while the defect is being corrected.*

9th Cir. R. 42-1 provides:

When an appellant fails to file a timely record, pay the docket fee, file a

timely brief, or otherwise comply with rules requiring processing the appeal for hearing, an order may be entered dismissing the appeal. In all instances of failure to prosecute an appeal to hearing as required, the Court may take such other action as it deems appropriate, including imposition of disciplinary and monetary sanctions on those responsible for prosecution of the appeal.

When you submit corrections to your brief or a corrected brief, **please return a copy of this letter.** If you don't submit your correction within 14 days of this notice, you must file a motion for leave to file a late brief. See 9th Cir. R. 31-2.3 re: Extensions of time for filing brief.